

INQUIRY CONCERNING A) Supreme Court
JUDGE, NO. 02-487) Case No. SC03-1171
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The Judicial Qualifications Commission, by and through its undersigned Special Counsel, hereby submits its Prehearing Statement in accordance with the order of June 18, 2004.

1. Jeffrey J. Del Fuoco, Assistant United States Attorney, 400 N. Tampa Street, Suite 3200, Tampa, Florida 33602: Receipt, identification, and delivery or custody of Exhibits 1, 2 and 4;

2. Jeffrey S. Downing, Assistant United States Attorney, 400 N. Tampa Street, Suite 3200, Tampa, Florida 33602: Receipt, identification, and custody of Exhibits 1 and 2, and reference of the investigation relating thereto to the Judicial Qualifications Commission;

3. Colonel E. David Hoard, Assistant Deputy General Counsel for Installations and Environment, Office of General Counsel to Secretary of the Air Force: Identification of Exhibit 1, transmitted to Judge Gregory P. Holder (by introduction of Colonel Hoard's Affidavit dated March 6, 2003);

4. Judge Gregory P. Holder, 419 Pierce Street, Tampa, Florida 33602: All matters relating to the charges.

5. Lieutenant Colonel Charles A. Howard, Chief of Operations and Training, Air War College, 325 Chennault Circle, Maxwell Air Force Base, Alabama 36112-6427: Records and explanation of Air War College Nonresident Studies (by introduction of deposition taken November 19, 2003);

6. Lieutenant Colonel William O. Howe, Jr., Staff Nuclear Division (OSS), Defense Threat Reduction Agency, 8725 John J. Kingman Road, Fort Belvoir, Virginia 22060: Identification of Lieutenant Colonel Howe's handwriting reflecting his grading of Air War College papers (by introduction of deposition taken November 20, 2003);

7. Ken Lawson, Assistant United States Attorney, 400 N. Tampa Street, Suite 3200, Tampa, Florida 33602: Receipt of Air War College papers from Judge Gregory P. Holder and delivery of Exhibit 6 to Jeffrey J. Del Fuoco;

8. Colonel David M. Leta, 75 Spring Street, Suite 600, Atlanta, Georgia 30303: Identification of statement of Colonel Gregory P. Holder dated March 7, 2003, and e-mails from Gregory P. Holder to David Leta dated March 7 and April 15, 2003;

9. Bradley DeWitt Lutz, Network Administrator, Hillsborough County Courthouse, 419 Pierce Street, Room 278, Tampa, Florida 33602-4022: Explanation of Hillsborough County Courthouse computer system, search of the courthouse computer files, and identification and location of Exhibits 7, 8, and 9 on the computer system;

10. Mildred R. (Becky) Stafford, User Support Analyst, Hillsborough County Courthouse, 419 Pierce Street, Room 278, Tampa, Florida 33602-4022: Explanation of Hillsborough County Courthouse computer system, search of the courthouse computer files, and

identification and location of Exhibits 7, 8, and 9 on the computer system;

11. Linda James, Forensic Document & Handwriting Examiner, 3024 Princeton Drive, Plano, Texas 75075: Expert testimony as summarized in the written report attached to answer to interrogatories served June 11, 2004;

12. Richard Kane, On-Site Technology, Inc., P.O. Box 441071, Jacksonville, Florida 32222: Examination of Hillsborough County computer harddrive and backup tapes and specifically the computer file entitled "AWCPAPER" in "R:\1998\HolderGP\WPDATA" and how a paper could have been produced using that file and then erased so that it cannot now be retrieved;

13. Scott F. Peterka, Special Agent, Florida Department of Law Enforcement, Tampa, Florida: Possible rebuttal witness as to the results of the FDLE investigation concerning Hillsborough County Circuit Judge Robert H. Bonanno and identify the Florida Department of Law Enforcement Investigative Report of that investigation.

14. Robert H. Bonanno, 16017 North Florida Avenue, Suite 101, Lutz, Florida 33549: Possible rebuttal witness;

15. Dennis Alvarez, 201 East Kennedy Boulevard, Suite 1700, Tampa, Florida 33602: Possible rebuttal witness; and

16. The witnesses identified by the Respondent.

B. Exhibits to be introduced:

1. Fax cover sheet from E. David Hoard to Judge Gregory Holder dated 9/5/97 with Air War College paper entitled "Analysis of the Anglo-American Combined Bomber Offensive in Europe During World War II, 1942-1945, Using the Mowbray Strategic/Process Model," prepared by E. David Hoard dated January 1996;

2. Air War College paper bearing the name Gregory P. Holder entitled "An Analysis of the Anglo-American Combined Bomber Offensive in Europe During World War II, 1942-1945," dated January 1998;

3. Comparison of Exhibits 1 and 2;

4. Affidavit of E. David Hoard dated March 6, 2003;

5. Letter from Jeffrey S. Downing to Brooke S. Kennerly, dated December 20, 2002;

6. Group of documents, including Air War College papers and "dirty purples," for Air War College Seminar 59B bearing Bate stamp numbers KELjd1-KELjd71;

7. Air War College paper (Exhibit 1 above) found on Hillsborough County Courthouse back-up tape;

8. Printout of files of Lorraine Nasco on the Hillsborough County Courthouse computer;

9. Printout of file entitled "AWCPAPER" in "R:\1998\HolderGP\WPDATA";

10. Air War College paper bearing the name Gregory P. Holder entitled "An Analysis of the Anglo-American Combined Bomber Offensive in Europe During World War II, 1942-1945," dated January 1998 marked as Exhibit 5 at the Deposition of Lt.Col. William O. Howe, Jr.;

11. Air War College paper on the Anglo-U.S. Combined Bomber Offensive marked as Exhibit 6 at the deposition of Walter Williams;

12. Statement of Colonel Gregory P. Holder dated March 7, 2003;

13. Affidavit of Colonel Gregory P. Holder dated June 25, 2003;

14. Deposition of Gregory P. Holder taken November 5, 2003;

15. E-mail from Judge Gregory P. Holder to David Leta, dated March 7, 2003;

16. E-mail from Colonel Gregory P. Holder to David Leta dated April 15, 2003;

17. Article from The Washington Post archives dated July 26, 1995, entitled "Remembering World War II: Life on the Home Front" [Childhood Tempered by Anxiety];

18. Article from The Washington Post archives dated July 26, 1995, entitled "Remembering World War II: The New Face of the United States" [Men Who Made Over the World];

19. Article from The Washington Post archives dated July 26, 1995, entitled "Remembering World War II: The Leaders of World War II [What It Meant for America];

20. Air War College Seminar Program - Volume Attendance Record, Seminar No. 59B, MacDill AFB, 14 August 1997, marked as Exhibit 3 at the deposition of Lieutenant Colonel Charles A. Howard;

21. Program Guide, Directorate of Nonresident Studies, Academic Year 1998 (8th edition), marked as Exhibit 4 at the deposition of Lieutenant Colonel Charles A. Howard;

22. Record of Gregory P. Holder, Air War College nonresident course at MacDill AFB, marked as Exhibit 6 at the deposition of Lieutenant Colonel Charles A. Howard;

23. Record of Gregory P. Holder, Air War College nonresident course at MacDill AFB, with handwritten notations, marked as Exhibit 7 at the deposition of Lieutenant Colonel Charles A. Howard;

24. Record of Mary V. Perry, Air War College nonresident course at MacDill AFB, marked as Exhibit 8

at the deposition of Lieutenant Colonel Charles A. Howard;

25. Air War College paper of Mary V. Perry, marked as Exhibit 9 at the deposition of Lieutenant Colonel Charles A. Howard;

26. Affidavit of Lieutenant Colonel Charles A. Howard dated March 11, 2003, marked as Exhibit 1 at the deposition of Lieutenant Colonel Charles A. Howard;

27. Affidavit of Lieutenant Colonel Charles A. Howard dated June 9, 2003, marked as Exhibit 2 at the deposition of Lieutenant Colonel Charles A. Howard;

28. Affidavit of Lieutenant Colonel William O. Howe, Jr., dated March 10, 2003, marked as Exhibit 3 at the deposition of Lieutenant Colonel William O. Howe, Jr.;

29. Affidavit of Lieutenant Colonel William O. Howe, Jr., dated August 20, 2003, marked as Exhibit 4 at the deposition of Lieutenant Colonel William O. Howe, Jr.;

30. Letter from Gregory P. Holder, Circuit Judge, to Department of Justice Office of Professional

Responsibility, Mr. Marshall Jarrett, dated November 8, 2002; and

31. Application for Transfer to the Retired Reserve by Holder, Gregory P. dated January 9, 2004, and Department of Air Force, Headquarters Air Reserve Personnel Center, Reserve Order EK-2494, February 23, 2004.

INVESTIGATIVE PANEL OF THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION

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- and -

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to each of the following by facsimile and United States mail this _____ day of August, 2004.

Honorable John P. Kuder
Circuit Judge
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